

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2000-55

February 15, 2000

CONSUMERS MAINE WATER COMPANY
CAMDEN/ROCKLAND

ORDER

Request for Waiver of Chapter 120
Definition of a Major Utility and of One
Year Rate Case Bar in 35-A M.R.S.A.
§ 307

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On January 21, 2000, Consumers Maine Water Company (Consumers) filed a request for waivers of certain provisions in 35-A M.R.S.A. § 307 and Chapter 120 of the Commission's rules. In this Order we grant that request.

Consumers plans to file individual rate cases for four of its divisions during the year 2000: Millinocket, Camden and Rockland, Freeport and Kezar Falls. Since each division's rates are regulated on a stand-alone basis, Consumers believes separate dockets will simplify filing, while providing efficiencies for considering common issues that affect all divisions such as return on equity and corporate allocations. 35-A M.R.S.A. § 307 bars a utility from filing for a general increase in rates (e.g., an increase of operating revenues of more than 1%) within one year of a prior filing for a general rate increase, without approval of the Commission. Consumers seeks such approval because the cumulative effect of the increases for the four divisions will be greater than 1% (meaning the third or fourth case could not be filed without approval).

We agree that considering each increase on a stand-alone basis should make processing the cases easier for intervenors and allow for expeditious consideration of each increase. We will waive Section 307's one-year bar and allow Consumers to file individual cases for each division. We accept Consumers' proposal that no individual division be permitted to file more than once within a twelve month period.

Consumers also requests a waiver from the Chapter 120 § 6(B) requirement that a utility notify the Commission 60 days in advance of a general rate case filing and the Chapter 120 § 6(C) requirement for prefiled testimony and exhibits. We grant a waiver of these requirements with the understanding that the divisions will comply with all other Chapter 110 and 120 provisions including the customer notice contained in Chapter 110 § 6(B)(1)(b) and the content of filings in Chapter 120 § 5. We note that the Millinocket division filed its application for rate increase on February 3, 2000 and appeared to comply with these requirements.

Accordingly, we

1. waive the 35-A M.R.S.A. § 307 limit on filing general rate increases within one year as described in the body of the Order.
2. waive the provisions of Chapter 120 § 6(B) and 120 § 6(C).

Dated at Augusta, Maine, this 15th day of February, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR:

Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.